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Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Application No: 09/800,641 Examiner: Jennifer L. Liversedge
Applicant(s): Kent E. Seamons Group Art Unit: 3628
Filing Date: 3/7/2001
Entitled: AUTOMATED TRUST NEGOTIATION
Attorney Docket No. GB920000044US3 (7161-175U)

Certificate of Mailing (37 C.F.R. 1.8(a))

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January 20, 2006

Peggy Shock


Signature

Date of Signature and Mail Deposit

Name of Person Signing

Sir:

Transmitted herewith is a Reply to the Office Action mailed October 20, 2005.
The following checked items are applicable:

☒ Pre-Appeal Brief Request for Review

☐ Copy of Notice of Change of Correspondence Address is enclosed.

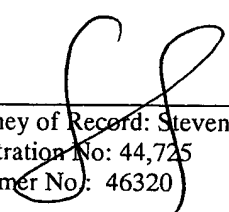
CLAIMS AFTER AMENDMENT:	MINUS PRIOR PAID CLAIMS:	EQUALS PRESENT EXTRA CLAIMS:	RATE:	ADDITIONAL FEE:
Independent: 3	3	0	x \$ 200.00 =	\$ 0
Total: 8	20	0	x \$ 50.00 =	\$ 0
Multiple Dependent Claims (1st presentation)			+ \$ 360.00=	\$ 0
SUBTOTAL ADDITIONAL FEE				\$ 0
Small Entity filing, divide by 2.				\$ 0
TOTAL ADDITIONAL FEE				\$ 0

☐ The fee has been calculated above; enclosed is a check in the amount of \$

☒ A self-addressed, stamped postcard for verification and receipt is enclosed.

☒ The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No. 09-0461.

Date: January 20, 2006



Attorney of Record: Steven M. Greenberg
Registration No: 44,725
Customer No: 46320



PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number: 09/800,641
Filing Date: 03/07/2001
Applicant(s): Kent E. Seamons, et al
Entitled: AUTOMATED TRUST NEGOTIATION
Examiner: Liversedge, Jennifer
Group Art Unit: 3628
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicants request that a Panel Review of the rejections in the Final Office Action dated October 20, 2005, be performed in the above identified application.

REMARKS

**CLAIMS 1-8 ARE REJECTED UNDER 35 U.S.C. § 102 AS BEING ANTICIPATED BY
SANDBERG-DIMENT, U.S. PATENT NO. 5,826,245 (HEREINAFTER SANDBERG)**

Sandberg fails to teach the claimed *interactions* between first party and second party

On page 2 of the Request for Reconsideration filed December 12, 2005, Applicants argued the following:

The claimed invention is directed to performing trust negotiations between two parties: a first (server) party and second (client) party. In contrast, Sandberg teaches interactions between three parties: a remote terminal 12 (i.e., customer), a merchant 16, and a verification agent 20.

Despite this clear description of the overall differences between the claimed invention and Sandberg, the Examiner misstated Applicants' argument in the Advisory Action in which the Examiner asserted:

Applicant argues that cited art fails to show two parties which Applicant names client and server. However the art shows a client and computer/network (column 2, lines 32-55), which indisputably is a client and a server.

As readily apparent from the Examiner's response, the Examiner has ignored Applicants' argument that the claimed invention is not only directed to two different parties (e.g., a client and a server), the claimed invention is also directed to the interactions between these two parties, and it is these interactions between the two parties that Sandberg fails to identically disclose.

Sandberg teaches interactions between three parties, and on pages 2 and 3 of the Request for Reconsideration, Applicants further explained how none of the interactions between any two of the three parties described by Sandberg (i.e., remote terminal 12, merchant 16, and

verification agent 20) identically disclose the claimed interactions between the two parties recited in the claims. The Examiner's comments in the Advisory Action, however, fails to address Applicants' arguments regarding Sandberg's failure to identically disclose the recited interactions between the two parties in the claims.

Examiner improperly relied upon the "Background" disclosure in Sandberg

On page 4 of the Request for Reconsideration, Applicants argued that the Examiner improperly relied on column 1, lines 5-30 of Sandberg, which is described as "Background," to teach the claimed "eager strategy." Even assuming arguendo that the "Background" of Sandberg teaches the claimed "eager strategy," the Examiner has failed to establish that the disclosure found in the "Background" (i.e., Fig. 1) of Sandberg is applicable to the teachings (i.e., Figs. 2 and 3) described as being directed to Sandberg's invention. The Examiner did not address this issue in the Advisory Action.

Examiner has misread claim 1

On pages 4 and 5 of the Request for Reconsideration, Applicants noted that the Examiner clearly misread claim 1. The Examiner did not address this issue in the Advisory Action.

Examiner's interpretation of "parsimonious strategy" is improper

On page 5 of the Request for Reconsideration, Applicants argued that the Examiner ignored the limitations associated with the claimed "parsimonious strategy" and failed to indicate where in Sandberg these teachings can be found. The Examiner's comments in the Advisory Action merely restate the Examiner's initial assertion.

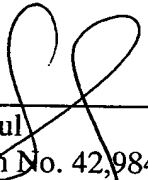
Examiner failed to establish that Sandberg explicitly or inherently identically discloses the claimed "eager strategy" and "parsimonious strategy"

As argued on pages 5 and 6 of the Request for Reconsideration, the Examiner has failed to establish that Sandberg explicitly identically discloses the claimed eager and parsimonious strategy. Furthermore, the Examiner has failed to establish that these features are inherently disclosed per the requirements of M.P.E.P. § 2112. The Examiner did not address this issue in the Advisory Action.


To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

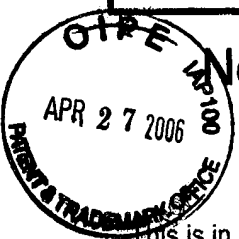
Date: January 20, 2006

Respectfully submitted,



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Application Number 	Application/Control No. 09/800,641	Applicant(s)/Patent under Reexamination SEAMONS ET AL.	
	Sonya Williams	Art Unit 3624	
Document Code - AP.PRE.DEF			



Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 01/30/06.

1. ☒ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☒ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☐ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

- ☐ The panel has determined the status of the claim(s) is as follows:
- Claim(s) allowed: _____
- Claim(s) objected to: _____
- Claim(s) rejected: _____
- Claim(s) withdrawn from consideration: _____

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) Sonya Williams

(3) _____

(2) _____

(4) _____